

IN The United States District Court
District of Delaware

Leonard K Baylis
Plaintiff

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Stanley Taylor et al
Defendants

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• CA # 06-11-SLR
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Plaintiff's Response to State
Defendants opposition to Amend
Complaint. PD scanned

IN Response to State Defendants 10 MAY,
06 Requeiment Against Plaintiffs Motion to
Amend the Above Complaint, Plaintiff OFFERS
the Following:

Copys of letters to Warden Carroll, Stanley
Taylor and Chris Maloney — And grievences
Regarding my Mental illness (see index) ;
Requests For proper treatment and to be

II

housed in an area that will not place Plaintiff in jeopardy or exacerbate Plaintiff's illness (see index and exhibits)

Plaintiff seeks to add Warden Thomas Carroll and Counselor Cindy Atallian, both at the Delaware Correctional Center, Smyrna, Delaware, to the above case for their non-action to serious and legitimate complaints that, left unguarded, will, and has cost Plaintiff measurable repercussions to his well being and safety.

Plaintiff asserts that these individuals named above, and Defendants listed in original complaint, have, along with peripheral staff, failed to take appropriate action to ensure that Plaintiff's mental health problems are not exacerbated and that Plaintiff's physical safety is not needlessly placed in jeopardy. Furthermore, that while Plaintiff attempts to gain relief, Plaintiff does not receive prohibited "extra punishment" — (that is the Prison's only recourse against such abuses is to place Plaintiff in punitive area for their lack of

III

Alternatives that are just and humane.)

Plaintiff asserts 8th Amendment violations perpetrated by Stan Taylor, Warden Carroll and peripheral staff, by their "not acting when a prisoner proves actual knowledge of impending harm by showing that he complained to prison officials about a specific threat to safety." (Megill vs. Duck, 944 Fed 2d 349. And that prisoner who believes he is being subjected to substantial risk of serious injury due to officials' failure to protect him from harm is not required to wait for "tragic event," such as an actual assault before obtaining relief, but may bring action seeking injunction based on claim that officials are knowingly disregarding objectively intolerable risk of harm and will continue to do so. (U.S.C.A. Const. Amend 8)

Since November, 05 Plaintiff, to the best of his ability, has been communicating with prison officials regarding Plaintiff's mental health problems and problems with housing. Several times Plaintiff was almost injured or was driven to the edge to cause injury

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to protect himself. ON ONE OCCASION PLAINTIFF WAS FOUND "OFF limits" IN A FUGUE, ATTEMPTING TO GET MEDICAL ATTENTION IN THE MEDICAL AREA. PLAINTIFF WAS WRITTEN UP FOR THIS — PUNISHED FOR HIS MENTAL PROBLEMS — AND PLAINTIFF'S MENTAL HEALTH IS WEAKENING AS TIME GOES ON WITHOUT PROPER TREATMENT AND PROPER HOUSING.

OFTEN PLAINTIFF HAS DIFFICULTY WRITING A LEGAL PAPER — BOTH SORTING OUT THE POINTS HE WISHES TO BRING FORTH AND STAYING WITHIN THE FRAMEWORK OF THE RULES OF THE COURT. SOMETIMES PLAINTIFF CANNOT THINK CORRECTLY OR WRITE AT ALL. PLAINTIFF, HOWEVER ASSERTS THAT HIS COMPLAINT, HOWEVER UNFORTUNATELY PLEADED, MUST BE CONSTRUED LIBERALLY AND HELD TO LESS RIGID STANDARDS THAN THOSE DRAFTED BY ATTORNEYS. (HAINES V KOENE, 404 U.S. 519, 521; 92 S. CT. 594, 596)

FINALLY PLAINTIFF ASSERTS THAT WHAT HE HAS BEEN ASKING OF PRISON OFFICIALS AND MEDICAL PERSONS, SINCE NOVEMBER, 05 — WITHOUT RECEIVING A MEANINGFUL AND APPROPRIATE SOLUTION — IS PLAIN TO UNDERSTAND;

V

this is, that Plaintiff is Asking For proper mental health treatment — Quality Over Quantity: (More volume [if any] OF Medical Attention given to inmate is insufficient to defeat Eighth Amendment claim Alleging deliberate indifference — 42 U.S.C. § 1983, U.S.C.A. Const. Amend 8

AS FAR AS HOW WARDEN CEROI AND peripheral STAFF ARE Responsible in this, Plaintiff asserts that Wardens ARE charged by law to provide Adequate Medical Services and that Supervisory persons, with the power and duty to ensure Adequate Medical Care may be held liable UNDER § 1983 FOR breaches OF their legal obligation Resulting in Constitutional Violations (Hill v Marshall, 962 Fed 1209, 1213; Miranda v Munoz, 770, Fed, 260, 61; Ford v Lane 714 F Supp. 310, 315.

The issues Plaintiff have presented to PRISON STAFF AND Medical ARE plain and clear. The institutional STAFF has, For one reason or another, decided to ignore the issues and cause this complaint. There appears to be no working internal

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Mechanism existing in the institution for bringing to Arbitration serious and legitimate issues. Semantics are aplenty; Actual Solution-minded-tools are Rare.

IF For Some Reason PLAINTIFF has not presented this case in an understandable way, PLAINTIFF, in the face of the seriousness of the issue, respectfully requests Appointment of Counsel. PLAINTIFF emphasizes — as well as his short-comings in law — his mental disorder and his periods of time unable to write, think in rightful order and respond coherently, in the face of the complexity of issues — his need for elusive records and professional input (objective professional input) . . . PLAINTIFF asserts the nature of the evidence indicates the truth will more likely be exposed where both sides are represented by counsel. (McNeil v Lowney, 831 F2d 1368, 1371-72.)

Wherefore PLAINTIFF PRAYS the Court to order the following:

*1 Add to the Complaint Above, WARDEN

VII

Thomas Carroll And Counselor Cindy Attalian -
Both of The Delaware Correctional Center,
Smyrna, Delaware.

#2 To GRANT an emergency injunction to move
that Plaintiff be housed in an area suitable
for those with mental illness and special needs;
where Plaintiff will not be targeted or threatened,
and where mental health treatment and actions
and regular therapy is administered, also
that Plaintiff receive proper medication
consistent with medical reality - quality
over quantity - and that Plaintiff not be
further punished or have his punishment
compounded because of his mental illness.

To GRANT appointment of Counsel to Plaintiff
to better ensure clarity and placement of
issues (to the Court) and to better
ensure that the truth will more likely
be exposed where both sides are equally
represented.

Truthfully and Respectfully Submitted

15 May 06

Leonard Baylis
Leonard Baylis 100231
Smyrna, Delaware 19977

CERTIFICATE OF SERVICE

I, Leonard Baylis, hereby certify that I have served a true and correct copy of the attached motion upon the following party, on the 16th day of May, 06.

** Circle the Department of Justice you are serving **

Deputy Attorney General
Department of Justice
820 North French Street
Wilmington, DE 19801

Deputy Attorney General
Department of Justice
102 West Water Street
Dover, DE 19901

Deputy Attorney General
Department of Justice
114 East Market Street
Georgetown, DE 19947

Attorney Kevin Connors: Atty For Correctional
Medical Systems: 1220 N. Market St. 5th Floor
P.O. Box 8888, Wilmington, DE 19899

16 May 06
Date Signed

Leonard Baylis

Signature of Movant (Notarization not required)

IM Leonard Baylis

SBI# 100231 UNIT 22-A-0-4

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



Clerk of the Court
U.S. District Court
District of Delaware
844 N. King St. Room box 18
Wilmington, Delaware

19801-3570

U.S.M.S.
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